Remark

Applicants respectfully request reconsideration of this application as amended. Claims 26-30, 32-33, 35-40 and 42-55 have been amended. No claims have been cancelled. Therefore, claims 1-72 are present for examination.

Objection to the Specification

The Examiner has objected to the disclosure as lacking a summary of the invention. However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR § 1.73 does not state "must" or "shall." Accordingly, Applicants have elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

35 U.S.C. §112 Rejection

The Examiner has rejected claims 26-55 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "user intent" was objected to as undefined and fuzzy. While Applicants disagree with the Examiner's characterization of the expression, this expression has been changed to "user interest" in an effort to expedite the prosecution of the application.

As for "computer usage," the rejection is not understood. The claim contains no reference to any antecedent.

Claim 32 was rejected for insufficient antecedent basis for "a shift." The reference to antecedent basis is not understood as none is believed to be required. However "a shift" has been changed to "a change" in order to expedite the prosecution of the application.

35 U.S.C. §102 Rejection

Haitsuka

The Examiner has rejected claims 26-28, 30-35, 37-38, 40-45, 47, 49, 51-52 and 54 under 35 U.S.C. §102 (e) as being anticipated by Haitsuka, U.S. Patent No. 6,505,201 ("Haitsuka"). Haitsuka shows a method for monitoring Internet usage. The monitoring information is used to target advertising to the user (9:46 et seq.). Accordingly, there is absolutely no mention of generating a search engine query based on the determined interest. In Columns 9 and 10 of Haitsuka, there is no description of what happens to the monitoring information other than that it is sent to the monitoring server (9:66). Earlier in Haitsuka, it is stated that the monitoring server summarizes and classifies the feedback information into multiple demographic profiles, and stores these profiles in the data store (6:61, 7:1) The monitoring server then selects targeted data and sends it to selected users (7:10-18). None of this involves a search. At least, if a search is involved, it is not described.

Haitsuka does refer to searches (e.g. 9:52 et seq.), but only in the context of monitoring searches performed by a user. There is no suggestion that the monitoring information be used in searches itself. Certainly, there is no suggestion of "generating a search engine query." as recited in the claims of the present application. Accordingly, the

rejection based on Haitsuka is believed to be inappropriate. Claim 1, as well as independent claims 37, 43 and 51 are believed to be allowable over the cited references. Dependent claims 27-36, 38-50, and 52-55 are believed to be allowable for their dependence on the independent claims, among other reasons. Further grounds for the allowance of some dependent claims are discussed below, however, no attempt has been made to provide all of the reasons for allowance of any of the claims.

As to Claims 30 and 40, the rejection is not understood. The cited section of the reference refers only to the conventional operation of a common web browser. The action described in Haitsuka is clicking on a hyperlink in a displayed web page. There is no suggestion in Haitsuka that this hyperlink amount to a display of a set of words indicative of the user interest determined according to Claim 26 or 37. On the contrary, the web page is a generic web page having nothing to do with the monitoring server activities.

As to Claim 31, Haitsuka does not describe an icon for the user to click on. It states simply that the client monitoring application and the monitoring server establish a session when an individual uses the local device. There is no suggestion as to how the local device is to operate. A conventional PC, turned on with its web browser open and coupled to a DSL can start a new session whenever the user types in a URL or clicks on a hyperlink from the previous session. No clickable icon is involved.

As for Claims 32 and 47, there is also nothing in Haitsuka to suggest detecting a change in user interest. The cited section states only that usage is monitored and sent to a server. The reference does not state anything about whether the server can detect a change in the user's interest based on this information.

As for Claims 33 and 54, Haitsuka fails to disclose monitoring the time spent at a website, monitoring pages bookmarked by the user (these would correspond to the Favorites in Internet Explorer, not to transmitted URL's), and monitoring the content of web pages. Web page content is looked at only to determine if there is any user entered data. The content of the page is not used only content from the user.

As for Claims 34, 35, 41, 42, and 49, Haitsuka has nothing about generating queries based on user interest. Haitsuka is directed to monitoring queries generated by the user.

35 U.S.C. §102 Rejection

Kravets

The Examiner has rejected claims 56-72 under 35 U.S.C. §102 (e) as being anticipated by Kravets, U.S. Patent No. 6,363,377 ("Kravets"). Kravets is cited as showing filtering. This is described primarily in Columns 8 and 9. The filtering appears to be performed by comparing the retrieved URL's to a hash list. The intersection between the two lists are either filtered out or filtered in depending on the application. The Examiner's citations to Columns 6 and 7 are not relevant. These sections refer to clustering by title, URL and content.

Claim 56 refers to filtering search result entries by comparing information from the accessed pages to the query. Kravets fails to suggest any kind of filtering based on information in accessed pages. This is particularly significant since the content lens would presumably have this information available. The failure of Kravets to use this information in filtering suggests the nonobviousness of the present invention. Kravets also fails to suggest

comparing information to the query. The hash list is a list of URL's. Even with the clustering, there is no comparison of results to the query. Accordingly Claims 56, 63, 67, and 70 as well as the claims which depend therefrom are believed to be allowable over Kravets.

As for Claims 57, 64, 68, and 71, these claims have been clarified to refer to hypertext links to further pages within the information from the accessed pages. Kravets refers only to the URLs of the pages returned by the search engine not to hyperlinks within those pages. Accordingly, there is no suggestion of the features of these claims in Kravets. This applies also to Claims 58 and 65. A hyperlink is not simply a URL.

35 U.S.C. §103 Rejection

Haitsuka in view of Ryan

The Examiner has rejected claims 29, 39, 46 and 53 under 35 U.S.C. §103 (a) as being unpatentable over Haitsuka, in view of Ryan, U.S. Patent No. 6,421,675 ("Ryan"). Ryan is cited for comparing hypertext links to keyword tables. Ryan's keywords are terms used by a query engine, i.e. search terms. The links are simply URL's, not necessarily hypertext links. The tables contain these URL's and search terms and then three weighting factors X, Y, and Z which indicate the likelihood of a particular URL being a good response to a particular search term (keyword).

The rejected claims have been clarified to recite that the keyword tables comprise words that are indicative of the user interest. These claims relate to analyzing recorded hypertext links to determine the user interest for the session. The determined user interest is used to generate a query as recited in e.g. Claim 22. The keywords in Ryan are the search

terms and the tables are used not to generate a query but to determine whether a particular URL is a good result for the query that already includes the search terms. Accordingly, Ryan's keywords do not indicate user interest, they indicate search result quality.

Ryan teaches the opposite of what is claimed in e.g. Claim 29. In Ryan, the search terms (keywords) are captured. The search terms are applied to the Keyword URL link table to determine (with the help of the weighting factors) which URL's are the best response to particular search terms. In Claim 29, the hypertext links are captured ("recording information including hypertext links selected by the user"), the hypertext links are applied to the keyword table to generate keywords, and the keywords are used to generate a search query ("generating a search engine query based on the determined interest"). Applicants respectfully submit that it would not be obvious to apply Ryan's teachings on executing user-generated queries to the present claims regarding generating a query.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/29/03

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